

EXHIBIT 6

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1 IN THE UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF OHIO

3 WESTERN DIVISION

4 AMERICAN PAN COMPANY,)

5 Plaintiff,)

6 -vs-) No. C-3-06-197

7 LOCKWOOD MANUFACTURING, INC.,)

8 Defendant.)

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10 The deposition of Richard Barton, taken
11 in the above-entitled cause before Susan Maul, CSR
12 No. 84-2501, a notary public within and for the
13 County of Will and State of Illinois, taken
14 pursuant to the Federal Rules of Civil Procedure
15 for the United States District Courts, 200 North
16 LaSalle Street, Chicago, Illinois, on the 17th of
17 May, A.D., 2007, at the hour of 12:15 o'clock p.m.

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1 APPEARANCES:

2 BAILEY, CAVALIERI, LLC

3 10 West Broad Street

4 Suite 2100

5 Columbus, OH 43215-3422

6 (614) 229-3209

7 BY: MR. W. EVAN PRICE, II

8 On behalf of the Plaintiff;

9 MUELLER, SMITH & MATTO

10 7700 Rivers Edge Drive

11 Columbus, OH 43235-1355

12 (614) 436-0600

13 BY: MR. EDWARD A. MATTO

14 On behalf of the Defendant.

15 SEYFARTH & SHAW, LLP

16 131 South Dearborn Street

17 Suite 2400

18 Chicago, IL 60603-5577

19 (312) 460-5000

20 BY: MS. ANDREA C. OKUN

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1 Mr. Cornelius?

2 A. I believe I told Mike, and HR should have

3 as well.

4 MR. MATTO: Okay. No further questions.

5 FURTHER EXAMINATION

6 BY MR. PRICE:

7 Q. Just briefly, Mr. Barton.

8 You alluded to sort of the main frame or

9 the central server having a complete set of the

10 customer records for Chicago Metallic; is that

11 correct?

12 A. Yes. Because we had multi plants, we had

13 a plant in Humboldt, Tennessee and Lake Zurich, and

14 we needed to have a central database, so sales in

15 customer service in Lake Zurich could get at the

16 information and know product specs as well as

17 anyone in production or engineering who would need

18 the specs to be able to produce the product or buy

19 the material.

20 So we had a central network where multi

21 employees could get at that information, use it,

22 and not tie up the laptop.

23 Q. Okay. Ms. Bryan would have had access to

24 that central computer repository of information?

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1 A. Yes.

2 Q. Would you have expected that she would
3 have had a copy of that on her laptop?

4 A. I would not expect that.

5 MR. PRICE: Okay. Thank you. Nothing further.

6 FURTHER EXAMINATION (Continued)

7 BY MR. MATTO:

8 Q. Are you aware of other employees that
9 would download any information onto their laptop
10 for convenience of working?

11 A. The intent would be to download what you
12 needed onto your laptop, work with it, do what you
13 have to do with it and then move on.

14 MR. MATTO: No further questions.

15 MR. PRICE: Thank you, Mr. Barton.

16 MS. OKUN: We'll reserve.

17 FURTHER DEPONENT SAITH NOT.

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1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF WILL)

4 I, Susan Maul, a notary public within and for
5 the County of Will and State of Illinois, do hereby
6 certify that heretofore, to-wit, on the 17th of
7 September, A. D. 2007, Richard Barton, personally
8 appeared before me, at 200 North LaSalle Street, in
9 the County of Cook and State of Illinois, a witness
10 in a certain cause now pending and undetermined in
11 the United States District Court, wherein American
12 Pan Company is plaintiff and Lockwood Manufacturing
13 is defendant.

14 I further certify that the said witness was
15 first duly sworn to testify the truth, the whole
16 truth and nothing but the truth in the cause afore-
17 said; that the testimony then given by said witness
18 was reported stenographically by me, in the
19 presence of the said witness, and afterwards
20 reduced to typewriting by Computer-Aided
21 Transcription, and the foregoing is a true and
22 correct transcript of the testimony so given by
23 said witness as aforesaid.

24 I further certify that the signature of the

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1 witness to the deposition was not waived.

2 I further certify that the taking of this

3 deposition was in pursuance of notice; and that

4 there were present at the taking of this deposition

5 the attorneys as hereinbefore noted.

6 I further certify that I am not counsel for nor

7 in any way related to the parties to this suit, nor

8 am I in any way interested in the outcome thereof.

9 In testimony whereof I have hereunto set my

10 hand and affixed my notarial seal this ____ day

11 of _____, 2007.

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15 Notary Public, Cook County, Illinois

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